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County of Madera, Angela Basch,
Mark Meyers and Gary Gilbert

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

ERNEST MERRILL, LILA MERRILL,
Plaintiffs,

v.

COUNTY OF MADERA, ANGELA BASCH
Individually and as an Employee of Madera
County, MARK MEYERS Individually and as
an Employee of Madera County, GARY
GILBERT Individually and as an agent for
Madera County, and DOE DEFENDANTS 1
TO 10,
Defendants.

COUNTY OF MADERA,

Counter-Claimant,

v.

ERNEST MERRILL, LILA MERRILL,
DREAM CATCHER RANCH, INC., a Nevada
Corporation, LITTLE BUTTE CATTLE
COMPANY, INC., a Nevada Corporation,
DUANE JONES, PIA BURROUGH-POND,
JOHN M. BURROUGH, GENE MEDFORD,
ROSE MEDFORD, KRISTIN McFALL,
HOFFMAN RANCH, LLC., a California
limited liability Company, and DOES 1-10,

Counter-Defendants.

Case No. 1:05-cv-00195 AWI SMS
Honorable Anthony W. Ishii

STIPULATION TO MODIFY
SCHEDULING CONFERENCE ORDER
TO EXTEND DISCOVERY CUTOFF
AND MOTION DEADLINES;

ORDER

STIPULATION AND [PROPOSED] ORDER

Plaintiffs, Ernest and Lila Merrill; Defendants County of Madera, Mark Meyers, Gary Gilbert, and Angela Basch; and Counter Defendants Duane Jones, Pia Burrough-Pond, John M. Burrough, Gene Medford, Rose Medford, and Kristin McFall (collectively, "parties"), stipulate as follows:

WHEREAS, the Court entered a Scheduling Conference Order on July 6, 2006 that established (1) a non-expert discovery cutoff of October 30, 2006; (2) a deadline for non-dispositive motions of November 15, 2006; and (3) a deadline for dispositive motions of November 17, 2006;

WHEREAS the parties have worked cooperatively in exchanging written discovery and scheduling and conducting several depositions prior to filing this stipulation;

WHEREAS depositions are currently scheduled on the days remaining prior to the discovery cutoff on which counsel are available;

WHEREAS the parties intend to take at least three depositions of witnesses whose availability has not yet been confirmed and who would not likely be able to appear prior to the discovery cutoff;

WHEREAS to allow the parties to complete the depositions of these and any additional desired witnesses, the parties seek a brief, approximately three-week continuance of the discovery cutoff;

WHEREAS if such an extension were permitted, the parties would also seek an approximately two-week extension of the deadlines for filing dispositive and non-dispositive motions; and

WHEREAS the parties do not seek, nor believe it is necessary, to continue the trial date (set for April 3, 2007) or any of the other deadlines set forth in the Scheduling Conference Order.

In light of the foregoing, the parties stipulate as follows:

1. The discovery cut-off in this action is continued from October 30, 2006 to November 22, 2006;

2. The deadline for filing non-dispositive motions is continued from November 15, 2006 to November 29, 2006;

3. The deadline for filing dispositive motions is continued from November 17, 2006 to December 1, 2006;

4. All other deadlines and dates set forth in the Scheduling Conference Order, including the April 3, 2007 trial date, shall remain the same.

Dated: October 19, 2006

LAW OFFICES OF LAYNE HAYDEN

By: /S/ Scott Lyons

Layne Hayden
Scott Lyons
Attorneys for Plaintiffs and Cross-
Defendants
Ernest and Lila Merrill, Dream Catcher
Ranch, Inc., and Little Butte Cattle
Company, Inc.

Dated: October 20, 2006

BEST BEST & KRIEGER LLP

By: /S/ Derek Cole

Dennis M. Cota
Derek P. Cole
Lindsay N. Stevens
Attorneys for Defendants and Cross
Claimant, County of Madera, Gary Gilbert,
and Angela Basch

Dated: October 20, 2006

NUTTING & JORGENSEN LLP

By: /S/ Kenneth Jorgenson

Kenneth Jorgenson
Attorneys for Counter Defendants Duane
Jones, Pia Burrough-Pond, and John
Burrough

Dated: October 19, 2006

LAW OFFICE OF RICHARD ARCHBOLD

By: /S/ Richard Archbold

Richard Archbold
Attorneys for Counter Defendants Gene
Medford, Rose Medford, and Kristin
McFall,

ORDER

IT IS SO ORDERED.

Dated: 10/23/2006

/s/ Sandra M. Snyder

United States Magistrate Judge

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